

17.10.84
NICK

FILE

ATTN J C MANDIRATTA ESQ

EP PAT APP 83 305 690.6
PM 1110/1124
OUR 25686

FURTHER TO OUR TELEPHONE CONVERSATION THIS MORNING, THE FOLLOWING IS A MORE DETAILED DISCUSSION OF THE RISKS OF INFRINGEMENT..

SINCE PM 1096 (23.07.82) AND 1110, 1111, 1125, 1126 (30.09.82) ARE ALL DESCRIBED IN U.S. ORIGINATING APPLICATIONS HAVING AN EARLIER PRIORITY THAN REYNOLDS, THE LATTER CANNOT OBTAIN VALID CLAIMS COVERING THESE STRUCTURES AS DISCLOSED, AND THE RISK OF INFRINGEMENT DOES NOT ARISE..

OUR PM 1124 (EP 83 305690.6 FIGS 9-17) IS THE ONLY STRUCTURE HAVING A PRIORITY DATE LATER THAN REYNOLDS' APPLICATION, BUT THE STRUCTURE OF PM 1124 IS SUFFICIENTLY DIFFERENT FROM REYNOLDS CLAIMS (AND STRUCTURE). REYNOLDS MAIN CLAIM REQUIRES THAT THE ALIGNMENT BETWEEN A FIRST DILUTION OPENING FORMED IN THE FILTER SURFACE AND A SECOND OPENING IN ONE OF A PLURALITY OF OVERLYING BANDS IS VARIED BY ROTATING AN OUTER BAND/INNER BAND UNIT RELATIVE TO AN INNER/BAND/FILTER PLUG UNIT. THIS IS VIRTUALLY IMPOSSIBLE TO APPLY TO PM 1124. IN FIGS 9 AND 15 THERE ARE NOT TWO BANDS ENCIRCLING THE PLUG, UNLESS ONE COUNTS THE PLUG WRAP (108), IN WHICH CASE IDENTIFICATION OF THE OPENINGS BECOMES IMPOSSIBLE. IN FIG 12 ONE MIGHT POSSIBLY REGARD THE SPACED RINGS (116 AND 117) AS TOGETHER CONSTITUTING AN INNER BAND, BUT THEN RELATIVE ROTATION OF THE TWO 'UNITS' CAUSES VARIATION IN RADIAL ALIGNMENT ONLY BETWEEN PERFORATIONS 112 AND DEPRESSIONS 110. NOT ONLY ARE THE LATTER NOT 'OPENINGS IN THE PLUG SURFACE', BUT THIS VARIATION HAS NO EFFECT ON DILUTION, WHICH INSTEAD IS DUE TO LONGITUDINAL ALIGNMENT OF DEPRESSIONS 110 WITH THE LANDS BETWEEN DEPRESSIONS 109.

THIS APPEARS TO BE EXTREMELY COMPLICATED AND CONFUSING, BUT IT ARISES FROM AND EXEMPLIFIES THE FACT THAT REYNOLDS ARE DEFINING A STRUCTURE QUITE DIFFERENT FROM PM 1124 AND NEVER CONTEMPLATED THE USE OF A TWO-PART FILTER PLUG WITH COLLINEAR IMPERMEABLE GROOVES.

THIS DISCUSSION IS BASED ON REYNOLD'S CLAIMS AS THEY STAND. HOWEVER, IN VIEW OF OUR OTHER DISCLOSURES OF EARLIER DATE, THE CLAIMS ARE MOST UNLIKELY TO REMAIN IN THIS FORM.

PLEASE LET ME KNOW IF YOU HAVE ANY FURTHER QUESTIONS

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